OFFICE OF THE COUNTY SHERIFF
Montgomery County, Maryland
Raymond M. Kight, Sheriff

GENERAL OPERATIONAL PROCEDURES

Subject:	Number:	Effective Date:
Eyewitness Identification	**3.42**	**11/02/2007**

Purpose: To establish guidelines for obtaining accurate eyewitness identification consistent with U.S. Department of Justice guidelines, as required by Md. Code, Public Safety Article, Section 3-506, which provides that:

A. On or before December 1, 2007, each law enforcement agency in the State shall adopt written policies relating to eyewitness identification that comply with the U.S. Department of Justice standards on obtaining accurate eyewitness identification, and

B. On or before January 1, 2008, each law enforcement agency in the State shall file a copy of the written policy relating to eyewitness identification with the Department of State Police.

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I. Definitions

A. **COMPOSITE:** Renderings or recollections of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program, or Identi-Kit that features a variety of different facial features.

B. **LIVE LINE UP:** A live display of the suspect, along with other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

C. **MUG BOOK:** A collection of photographs of previously arrested individuals known or suspected to be involved in certain types of crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.

D. **PHOTO LINE UP:** A display of a photograph of the suspect, along with filler photos of other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

E. **SHOW UP:** The display of a single suspect to a witness in an effort to obtain identification.

II. Introduction

Eyewitness identification is one of many tools used by law enforcement in the investigation of crime. This investigative tool may be vigorously challenged by defense attorneys. Therefore, it is critical that eyewitness identification is conducted in a professional, structured manner, and supported by written documentation and physical evidence.

III. Policy

It is the policy of the Montgomery County Sheriff's Office:

A. To avoid any action that would be unduly suggestive during any eyewitness identification process;

B. That all eyewitness identification be conducted in a structured, professional manner designed to clear the innocent as well as identify suspects in criminal offenses;

C. That a criminal investigation will not be concluded or otherwise cease based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified, and all reasonable leads explored;

D. That a witness will participate in only one type of eyewitness identification. The types of eyewitness identification are:

(1) Viewing a mug book,

(2) Participating in the preparation of a composite,

(3) Participating in a show up,

(4) Participating in a live line up,

(5) Viewing a photo line up.

E. That any identification or non-identification, of a suspect be documented in writing, along with any comments by the eyewitness concerning the identification or non-identification;

F. That any photograph of an individual identified by an eyewitness be retained as evidence and handled as such.

AUTHORITY:

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